

THE EFFECTIVE DATE OF THIS ORDINANCE IS JULY 27, 2007

ORDINANCE NO. 07-32-472

**Re: Amendment to the Zoning Ordinance regarding
animal incinerators by amending Section 1-19-4
and 1-19-385(E)**

Zoning Text Amendment ZT-07-09

PREAMBLE

Heavenly Days Crematorium, LLC filed an application for a zoning text amendment to add a definition of "animal incinerator" to Section 1-19-4 of the Frederick County Code and to add to Section 1-19-385 a new subsection (E) to provide the specific criteria for the animal incinerator use.

A public hearing was held before the Frederick County Planning Commission on May 23, 2007. The Planning Commission voted to forward the proposed text amendment to the Board of County Commissioners with a favorable recommendation of approval.

A public hearing was held before the Board of County Commissioners on July 17, 2007. The public had an opportunity to comment on this Ordinance at this public hearing.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND, that Section 1-19-4 of the Frederick County Code (2004) is hereby amended by adding new definitions as set forth below:

ANIMAL INCINERATOR. A FACILITY FOR THE DISPOSAL OF ANIMAL REMAINS THAT IS OPERATED AS AN ACCESSORY TO AN ANIMAL HOSPITAL OR VETERINARY CLINIC IN THE AGRICULTURAL ZONING DISTRICT AND THAT COMPLIES WITH THE SPECIAL EXCEPTION CRITERIA SET FORTH IN §1-19-385 OF THE ZONING ORDINANCE.

AND BE IT FURTHER ENACTED AND ORDAINED that a new subsection (E) be added to Section 1-19-385:

- (E) ANIMAL INCINERATORS ARE PERMITTED AS AN ACCESSORY USE TO AN ANIMAL HOSPITAL OR VETERINARY CLINIC IN THE AGRICULTURAL DISTRICT ONLY, AND SUBJECT TO THE FOLLOWING ADDITIONAL REQUIREMENTS:
- (1) AN ANIMAL INCINERATOR SHALL BE LOCATED ONLY ON A LOT WITH A MINIMUM LOT SIZE OF 5 ACRES WHERE AN ANIMAL HOSPITAL OR VETERINARY CLINIC EXISTS.
 - (2) THE MINIMUM SETBACK FROM ANY PROPERTY LINE FOR AN ANIMAL INCINERATOR USE SHALL BE 50 FEET.
 - (3) THE PROPERTY MUST HAVE FRONTAGE AND ACCESS ON A PAVED PUBLIC ROAD, WITH A MINIMUM PAVEMENT WIDTH OF 20 FEET AND MINIMUM CLASSIFICATION OF COLLECTOR, AS SHOWN ON THE COUNTY COMPREHENSIVE PLAN.
 - (4) AN ANIMAL INCINERATOR MUST COMPLY WITH ALL APPLICABLE STATE AND FEDERAL REGULATIONS, INCLUDING LICENSING REQUIREMENTS.

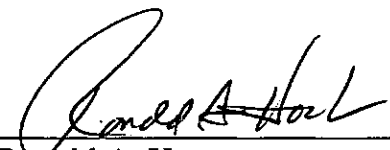
**CAPITALS INDICATE ENTIRELY NEW MATTER ADDED TO THE CODE.
[Brackets] indicate matter deleted from existing Ordinance.**

AND BE IT FURTHER ENACTED AND ORDAINED that this
Ordinance shall take effect on July 27, 2007.


The undersigned hereby certifies that this Ordinance was approved and
adopted on the 17th day of July, 2007.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF FREDERICK COUNTY, MARYLAND



Ronald A. Hart
County Manager



Jan H. Gardner
President

MJC 11/14/07